

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to application for firefighter plates and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 401, “Special Registration Plates,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.34.

Purpose and Summary

The proposed amendment to Chapter 401 revises the process by which a member of a fire department applies for firefighter license plates in order to allow the applicant to submit an application with the required signatures, without requiring those signatures to be original and notarized. Iowa Code section 321.34(10) allows a current or retired member of a paid or volunteer fire department to order special registration license plates which signify that the applicant is a current or retired member of a fire department. The Department established the application process for special registration plates in administrative rules, and currently, subrule 401.9(1) provides that an application for firefighter license plates must contain the original, notarized signatures of the fire chief and another fire officer certifying that the applicant is a current or retired member of the fire department.

The Department recognizes, after consultation with the Iowa Firefighters Association, that the requirement to have the signatures of the fire chief and another fire officer to be original and notarized for each application can be an administrative burden, especially for very large fire departments with a large number of applicants, as well as for smaller fire departments that may not always have a notary public available. Removing the requirement that the signatures on the application be original and notarized does not in any way diminish the authenticity of the application, as the application is still being signed and certified by not only the chief of the fire department but also another fire officer. Rather, the proposed amendment reduces the administrative burden of having a notary public available any time an application is being signed and allows applications to be submitted electronically, which will further streamline the application process.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on February 5, 2019. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

A public hearing to hear requested oral presentations will be held as follows:

February 7, 2019
4 p.m.

Department of Transportation
Motor Vehicle Division
6310 SE Convenience Boulevard
Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 401.9(1) as follows:

401.9(1) Initial application for firefighter plates. Application for firefighter plates shall be submitted to the department ~~on a form~~ in a manner prescribed by the department. Both the fire chief and another fire officer of the paid or volunteer fire department shall sign the application ~~form~~, certifying that the applicant is a current or retired member of the fire department. ~~The signatures must be original and notarized.~~ If the fire chief and fire officer deny an application, the department may conduct an investigation and make a determination to approve or deny the application.